

N6tWrogP

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

22 Cr. 321 (JMF)

5 RONALD ROGERS,

6 Defendant.

Plea

7 -----x

8 New York, N.Y.

9 June 20, 2023

3:00 p.m.

10 Before:

11 HON. JESSE M. FURMAN,

12 District Judge

13 APPEARANCES

14 DAMIAN WILLIAMS

15 United States Attorney for the  
Southern District of New York

16 BY: MATTHEW J. KING

Assistant United States Attorney

17 DAVID E. PATTON

18 Federal Defenders of New York, Inc.  
Attorney for Defendant

19 BY: IAN H. MARCUS AMELKIN

20 Assistant Federal Defender  
Attorney for Defendant

N6tWrogP

(Case called; appearances noted)

THE COURT: Good afternoon to all of you.

My understanding is that Mr. Rogers intends to change his plea and enter a plea of guilty to Count One of the indictment, 22 Cr. 321.

Is that correct, Mr. Marcus Amelkin?

MR. MARCUS AMELKIN: He's going to plead to both counts, your Honor.

THE COURT: I'm sorry. That's what I meant to say, but thank you.

MR. MARCUS AMELKIN: We'd still be open to one if the government wants to change their mind.

THE COURT: That is not up to me.

Mr. Rogers, before I accept your guilty plea, I need to ask you certain questions to ensure that you are pleading guilty because you are, in fact, guilty and not for some other reason; to ensure that you understand the rights that you are giving up by pleading guilty; and to ensure that you understand the potential consequences of a guilty plea, including the sentence that could be imposed upon you.

It is critical that you understand each of my questions before you give me an answer, so if there's any question that you do not understand, please let me know so that your lawyer or I can explain it to you more fully. And if at any point you wish to speak with Mr. Marcus Amelkin for any

N6tWrogP

1 reason, let me know and I'll give you however much time you  
2 need to speak with him.

3 Do you understand all that?

4 THE DEFENDANT: Yes.

5 THE COURT: Would you please rise and raise your right  
6 hand so that my deputy can administer the oath to you.

7 (Defendant sworn)

8 THE COURT: You may be seated.

9 You're now under oath, which means that if you answer  
10 any of my questions falsely, you may be subject to prosecution  
11 for the separate crime of perjury.

12 Do you understand that?

13 THE DEFENDANT: Yes.

14 THE COURT: Please tell me your full name.

15 THE DEFENDANT: Ronald Alfred Rogers.

16 THE COURT: And how old are you?

17 THE DEFENDANT: 28.

18 THE COURT: How far did you go in school?

19 THE DEFENDANT: High school graduate.

20 THE COURT: And have you ever been treated or  
21 hospitalized for any type of mental illness?

22 THE DEFENDANT: No.

23 THE COURT: Are you now or have you recently been  
24 under the care of a doctor or mental health professional, such  
25 as a psychologist or psychiatrist?

N6tWrogP

1 THE DEFENDANT: No.

2 THE COURT: Have you ever been treated or hospitalized  
3 for any type of addiction, including drug or alcohol addiction?

4 THE DEFENDANT: No.

5 THE COURT: In the last 48 hours, have you taken any  
6 medicine, pills, drugs or had any alcohol?

7 THE DEFENDANT: No.

8 THE COURT: Is your mind clear today?

9 THE DEFENDANT: Yes.

10 THE COURT: And do you understand what's happening  
11 here today?

12 THE DEFENDANT: Yes.

13 THE COURT: Mr. Marcus Amelkin, have you discussed  
14 this matter with Mr. Rogers?

15 MR. MARCUS AMELKIN: We have.

16 THE COURT: And in your judgment, does he understand  
17 the rights that he would be giving up by pleading guilty?

18 MR. MARCUS AMELKIN: He does.

19 THE COURT: In your judgment, is he capable of  
20 understanding the nature of these proceedings?

21 MR. MARCUS AMELKIN: For sure.

22 THE COURT: Does either counsel have any doubt as to  
23 Mr. Rogers's competence to plead guilty at this time?

24 MR. KING: No, your Honor.

25 MR. MARCUS AMELKIN: No, your Honor.

N6tWrogP

1           THE COURT: On the basis of Mr. Rogers's responses to  
2 my questions, my observations of his demeanor here in court and  
3 the representations of counsel, I find that he is fully  
4 competent to enter an informed plea of guilty at this time.

5           Mr. Rogers, have you received a copy of the  
6 indictment, 22 Cr. 321, charging you with two counts, one count  
7 of conspiracy to engage in firearms trafficking and a second  
8 substantive count for firearms trafficking?

9           Have you received a copy of that?

10          THE DEFENDANT: Yes.

11          THE COURT: And have you read it?

12          THE DEFENDANT: Yes.

13          THE COURT: And have you had enough time to discuss  
14 with Mr. Marcus Amelkin the two charges and any possible  
15 defenses to those charges; did you have enough time to do that?

16          THE DEFENDANT: Yes.

17          THE COURT: And has he explained to you the  
18 consequences of entering a guilty plea?

19          THE DEFENDANT: Yes.

20          THE COURT: Are you satisfied with Mr. Marcus  
21 Amelkin's representation of you?

22          THE DEFENDANT: Yes.

23          THE COURT: All right.

24          Let me tell you now about the rights that you would be  
25 giving up by pleading guilty. As I said, if there's anything

N6tWrogP

1 you don't understand, please let me know, and either Mr. Marcus  
2 Amelkin or I will explain it to you more fully.

3 Under the Constitution and laws of the United States,  
4 you have the right to plead not guilty to the charges in the  
5 indictment.

6 Do you understand that?

7 THE DEFENDANT: Yes.

8 THE COURT: If you did plead not guilty, you would be  
9 entitled to a speedy and public trial by a jury on those  
10 charges.

11 Do you understand that?

12 THE DEFENDANT: Yes.

13 THE COURT: At that trial, you would be presumed to be  
14 innocent, and you would not have to prove that you were  
15 innocent. Instead, the government would be required to prove  
16 your guilt by competent evidence beyond a reasonable doubt  
17 before a jury could find you guilty.

18 Do you understand that?

19 THE DEFENDANT: Yes.

20 THE COURT: In order to find you guilty, a jury of 12  
21 people would have to agree unanimously that you were guilty.

22 Do you understand that?

23 THE DEFENDANT: Yes.

24 THE COURT: At that trial and at every stage of your  
25 case, you would be entitled to be represented by a lawyer, and

N6tWrogP

1 if you could not afford a lawyer, one would be appointed at  
2 public expense, free of cost to you, to represent you.

3 Do you understand that?

4 THE DEFENDANT: Yes.

5 THE COURT: During a trial, the witnesses for the  
6 government would have to come to court, and your lawyer would  
7 have an opportunity to cross-examine them and object to any  
8 evidence offered against you. You would also have an  
9 opportunity to present evidence on your own behalf, and you  
10 would have the right to have subpoenas issued or other process  
11 used to compel witnesses to come to court and testify in your  
12 defense.

13 Do you understand all that?

14 THE DEFENDANT: Yes.

15 THE COURT: At a trial, you would also have the right  
16 to testify on your own behalf, but you would have the right not  
17 to testify. And if you chose not to testify, then no one,  
18 including the jury, could draw any inference or suggestion of  
19 guilt from the fact that you did not testify.

20 Do you understand that?

21 THE DEFENDANT: Yes.

22 THE COURT: Before trial, you would have an  
23 opportunity, if you had not waived it, to seek suppression or  
24 exclusion of any evidence that the government would offer  
25 against you at a trial.

N6tWrogP

1 Do you understand that?

2 THE DEFENDANT: Yes.

3 THE COURT: If you were convicted at a trial, you  
4 would have the right to appeal that verdict and any pretrial  
5 rulings that I made in connection with your case.

6 Do you understand that?

7 THE DEFENDANT: Yes.

8 THE COURT: If you plead guilty, you will also have to  
9 give up your right not to incriminate yourself, because I will  
10 ask you questions about what you did in order to assure myself  
11 that you are guilty, and you will have to admit and acknowledge  
12 your guilt.

13 Do you understand that?

14 THE DEFENDANT: Yes.

15 THE COURT: If you plead guilty and if I accept your  
16 guilty plea, you will give up your right to a trial and the  
17 other rights that we have just discussed, other than your right  
18 to a lawyer, which you keep whether or not you plead guilty.  
19 But there will be no trial, and I will enter a judgment and  
20 sentence you on the basis of your plea after I have received a  
21 presentence report prepared by the United States probation  
22 department and any submissions that I get from your lawyer and  
23 the lawyers for the government. But there will be no trial  
24 with respect to whether you did or did not commit the offense.  
25 Nor will there be an appeal with respect to whether you did or



N6tWrogP

1 did not commit the offense or with respect to whether the  
2 government could use any of the evidence that it has against  
3 you.

4 Do you understand all of that?

5 THE DEFENDANT: Yes.

6 THE COURT: Even now, as you are entering this plea,  
7 you have the right to change your mind, to plead not guilty and  
8 to go to trial on the charges in the indictment.

9 Do you understand that?

10 THE DEFENDANT: Yes.

11 THE COURT: Do you understand each and every one of  
12 the rights that I have just explained to you?

13 THE DEFENDANT: Yes.

14 THE COURT: And are you willing to give up your right  
15 to a trial and the other rights that we have discussed?

16 THE DEFENDANT: Yes.

17 THE COURT: Do you understand that you are charged in  
18 Count One with conspiracy to engage in firearms trafficking, in  
19 violation of 18 U.S. Code, Section 922(a)(1)(A) and Section  
20 371; and you are charged in Count Two with firearms  
21 trafficking, in violation of 18 U.S. Code, Section  
22 922(a)(1)(A)?

23 Do you understand that those are the charges?

24 THE DEFENDANT: Yes.

25 THE COURT: Mr. King, would you please state the

N6tWrogP

1 elements of those two offenses.

2 MR. KING: Yes, your Honor.

3 As your Honor noted, Count One of the indictment  
4 charges the defendant with conspiracy to commit firearms  
5 trafficking, in violation of 18 U.S.C. 371. In order to prove  
6 the defendant guilty of Count One, the government would be  
7 required to prove the following three elements beyond a  
8 reasonable doubt:

9 First, that two or more persons agreed to do something  
10 which federal law prohibits -- here, to engage in gun  
11 trafficking, in violation of Title 18, United States Code,  
12 Section 922(a)(1)(A);

13 Second, that the defendant knew of the conspiracy and  
14 willfully joined the conspiracy; and

15 Third, that at sometime during the existence of the  
16 conspiracy, or agreement, one of the members of the conspiracy  
17 performed, in the Southern District of New York, one of the  
18 overt acts charged in the indictment in order to accomplish the  
19 purpose of the agreement.

20 The object of this conspiracy, as I said, was gun  
21 trafficking, which is a violation of Title 18, United States  
22 Code, 922(a)(1)(A). Gun trafficking has two elements:

23 First, that the defendant was not licensed to deal  
24 firearms; and

25 Second, that the defendant willfully engaged in the

N6tWrogP

1 business of dealing firearms.

2 Count Two of the indictment charges the defendant with  
3 a substantive count of gun trafficking, again, in violation of  
4 18 U.S.C. 922(a)(1)(A), and that has the two elements that I  
5 just described for your Honor.

6 Finally, the government would also be required to  
7 prove by a preponderance of the evidence that venue was proper  
8 in the Southern District of New York.

9 In this case, the defendant traveled to Manhattan to  
10 sell firearms.

11 THE COURT: Thank you.

12 MR. KING: Thank you, your Honor.

13 THE COURT: Mr. Rogers, do you understand that if you  
14 were to go to trial, with the exception of the venue  
15 requirement that Mr. King mentioned at the very end, that the  
16 government would have to prove those other elements beyond a  
17 reasonable doubt before a jury could find you guilty?

18 Do you understand that?

19 THE DEFENDANT: Yes.

20 THE COURT: And do you understand that, as Mr. King  
21 mentioned, the government would also have to prove that venue  
22 was proper in this district -- that is, that something occurred  
23 in this district in connection with each offense -- but its  
24 burden on that would be only by a preponderance of the  
25 evidence?

N6tWrogP

1 Do you understand that?

2 THE DEFENDANT: Yes.

3 THE COURT: All right.

4 Let me tell you now about the maximum possible  
5 penalties for these crimes, and by maximum, I mean the most  
6 that could possibly be imposed upon you. It doesn't mean that  
7 that is the sentence you will receive, but you do have to  
8 understand that by pleading guilty you're exposing yourself to  
9 a combination of punishments up to the statutory maximums.

10 Do you understand that?

11 THE DEFENDANT: Yes.

12 THE COURT: Let me start with the potential  
13 restrictions on your liberty.

14 The maximum term in prison for each of these crimes is  
15 five years in prison, which could be followed by a term of  
16 supervised release up to three years.

17 Supervised release means that you would be subject to  
18 supervision by the probation department. There would be rules  
19 of supervised release that you would be required to follow. If  
20 you violated any of those rules, you could be returned to  
21 prison without a jury trial and without credit for time spent  
22 on your underlying sentence or time spent on postrelease  
23 supervision.

24 Do you understand that?

25 THE DEFENDANT: Yes.

N6tWrogP

1           THE COURT: There is no parole in the federal system,  
2           so you should understand that if you were sentenced to prison,  
3           you will not be released early on parole. There is a limited  
4           opportunity to earn credit for good behavior, but if you were  
5           sentenced to prison, you would have to serve at least 85  
6           percent of the time to which you were sentenced.

7           Do you understand that?

8           THE DEFENDANT: Yes.

9           THE COURT: In addition to those restrictions on your  
10          liberty, the maximum possible punishment also includes certain  
11          financial penalties:

12          First, the maximum allowable fine for each count is  
13          the greatest of \$250,000, or twice the gross pecuniary, or  
14          financial, gain derived from the offense or twice the gross  
15          pecuniary, or financial, loss to someone other than you as a  
16          result of the offense.

17          Second, I can order restitution to any person or  
18          entity injured as a result of your criminal conduct.

19          Third, I can order you to forfeit any property used to  
20          facilitate the crime or that was derived from the crime.

21          And finally, I must order a mandatory special  
22          assessment of \$100.

23          Do you understand that those are the maximum possible  
24          penalties?

25          THE DEFENDANT: Yes.

N6tWrogP

1 THE COURT: Do you understand that it is possible,  
2 taking the two counts together, that you could be sentenced up  
3 to a maximum of ten years in prison, 120 months? Do you  
4 understand that together that's the maximum sentence?

5 THE DEFENDANT: Yes.

6 THE COURT: All right. Now, are you a citizen of the  
7 United States, Mr. Rogers?

8 THE DEFENDANT: Yes.

9 THE COURT: Do you understand, if you were not a  
10 citizen, that by pleading guilty, you could expose yourself to  
11 various negative immigration consequences, including removal,  
12 denial of citizenship in the United States and denial of  
13 admission into the United States?

14 Do you understand that if you were not a citizen,  
15 those are among the possible consequences of a guilty plea?

16 THE DEFENDANT: Yes.

17 THE COURT: Do you understand that as a result of your  
18 guilty plea, you may also lose certain valuable civil rights in  
19 this country, to the extent that you have them or could  
20 otherwise obtain them now, such as the right to vote, the right  
21 to hold public office, the right to serve on a jury and the  
22 right to possess any kind of firearm?

23 Do you understand that?

24 THE DEFENDANT: Yes.

25 THE COURT: Are you serving any other sentence or

N6tWrogP

1 being prosecuted in any other court at this time?

2 THE DEFENDANT: No.

3 THE COURT: All right.

4 Now, do you understand that if Mr. Marcus Amelkin --  
5 or anyone else, for that matter -- has attempted to predict  
6 what your sentence will be in this case, their predictions  
7 could be wrong?

8 Do you understand that?

9 THE DEFENDANT: Yes.

10 THE COURT: It's important for you to understand that  
11 no one -- not your lawyer, no one; not the government's lawyer,  
12 no one -- can give you any promise or assurance of what  
13 sentence you will receive. That's because your sentence will  
14 be determined by me and by me alone, and I'm not going to do  
15 that today. Instead, I will wait until I get the presentence  
16 report prepared by the United States probation department.  
17 I'll do my own calculation of how the United States Sentencing  
18 Guidelines apply to your case. I will consider any possible  
19 departures from the guidelines range, any submissions I get  
20 from the lawyers, and ultimately the factors that govern  
21 sentencing that are set forth in a statute, 18 U.S. Code  
22 Section 3553(a). I'll do all of that before determining and  
23 imposing an appropriate sentence.

24 Do you understand that?

25 THE DEFENDANT: Yes.

N6tWrogP

1           THE COURT: And have you discussed that process, the  
2           sentencing process, with Mr. Marcus Amelkin?

3           THE DEFENDANT: Yes.

4           THE COURT: Now, even if your sentence is different  
5           from what Mr. Marcus Amelkin or anyone else has told you that  
6           it might be, even if it's different from what you expect or  
7           hope it to be, even if it is different from what is set forth  
8           in the *Pimentel* letter that I will discuss in one moment, you  
9           will still be bound by your guilty plea and you will not be  
10          allowed to withdraw your plea.

11          Do you understand that?

12          THE DEFENDANT: Yes.

13          THE COURT: All right.

14          Now, as I just referenced, I understand that there is  
15          no plea agreement between you and the government in this case.  
16          Is that correct?

17          THE DEFENDANT: Correct.

18          THE COURT: Instead, pursuant to the instructions of  
19          the Court of Appeals in a case called *United States v.*  
20          *Pimentel*, the government has prepared a letter setting forth  
21          its view of how the sentencing guidelines apply to you in the  
22          so-called *Pimentel* letter.

23          Is that your understanding as well?

24          THE DEFENDANT: Yes.

25          THE COURT: I have a copy of the government's *Pimentel*



N6tWrogP

1 letter, dated May 19, 2023, from Mr. King to Mr. Marcus  
2 Amelkin. I'll mark this as Court Exhibit 1 and provide it to  
3 the government to retain in its possession after this  
4 proceeding.

5 Have you seen a copy of the *Pimentel* letter?

6 THE DEFENDANT: Yes.

7 THE COURT: Did you read it?

8 Yes?

9 THE DEFENDANT: Yes.

10 THE COURT: Did you discuss it with Mr. Marcus  
11 Amelkin?

12 THE DEFENDANT: Yes.

13 THE COURT: Did he explain it to you and answer any  
14 questions you may have had about --

15 THE DEFENDANT: Yes.

16 THE COURT: -- the letter?

17 And do you understand what the government is saying in  
18 this letter?

19 THE DEFENDANT: Uh-huh.

20 THE COURT: All right.

21 Do you understand that in this letter, the government  
22 states its belief that the applicable guidelines range -- that  
23 is, range under the United States Sentencing Guidelines that I  
24 must consider in connection with sentencing -- that the  
25 applicable range is 87 to 108 months' imprisonment?

N6tWrogP

1 Do you understand that?

2 THE DEFENDANT: Yes.

3 THE COURT: Now, let me stress that that is the  
4 government's view at the moment of how the guidelines apply to  
5 you. They're not here binding on the government; it may come  
6 to a different conclusion at the time of sentencing. But most  
7 importantly, they're not binding on you and they're not binding  
8 on me.

9 I have my own, independent obligation to determine  
10 what the correct guidelines range is. I may or may not agree  
11 with the guidelines calculation set forth in the government's  
12 letter. The important point for you to understand is that  
13 whatever calculation I make is, even if it's higher than  
14 this -- and I'm not suggesting that that's what it will be --  
15 you'll still be bound by your guilty plea and you will not be  
16 allowed to withdraw your plea.

17 Do you understand that?

18 THE DEFENDANT: Yes.

19 THE COURT: Has anyone made any promise to you or  
20 offered you any inducement to plead guilty in this case?

21 THE DEFENDANT: No.

22 THE COURT: Has anyone threatened you or forced you to  
23 plead guilty?

24 THE DEFENDANT: No.

25 THE COURT: Has anyone made a promise to you as to

N6tWrogP

1 what your sentence will be in this case?

2 THE DEFENDANT: No.

3 THE COURT: All right. Mr. Rogers, at this time, let  
4 me ask you, how do you plead to Count One of the indictment?

5 THE DEFENDANT: Guilty.

6 THE COURT: How do you plead to Count Two?

7 THE DEFENDANT: Guilty.

8 THE COURT: And can you tell me in your own words what  
9 you did that makes you believe that you're guilty of Counts One  
10 and Two of the indictment.

11 THE DEFENDANT: In 2018 and further, I illegally  
12 purchased firearms in the state of Georgia and was compensated  
13 by bringing them to New York. I'm unlicensed and sold them  
14 here in New York. And I'm sorry.

15 THE COURT: All right. Now, when you say you're  
16 unlicensed, that is to say that you did not have a license to  
17 serve as an importer, manufacturer or dealer of those firearms.  
18 Is that correct?

19 THE DEFENDANT: Correct.

20 THE COURT: And did you understand that when you did  
21 what you've described, that you were not permitted to sell the  
22 firearms in New York because of that? Did you understand that?

23 THE DEFENDANT: Yes.

24 THE COURT: And you said 2018 and after. Am I correct  
25 that it continued until into 2021? Is that correct?

N6tWrogP

1 THE DEFENDANT: Uh-huh.

2 THE COURT: Yes?

3 THE DEFENDANT: Yes.

4 THE COURT: And would you describe yourself as being  
5 engaged in the business of selling firearms over that period of  
6 time?

7 THE DEFENDANT: Yes.

8 THE COURT: Yes?

9 THE DEFENDANT: Yes.

10 THE COURT: All right. And when you did that, did you  
11 understand and know that what you were doing was against the  
12 law and wrong?

13 THE DEFENDANT: Yes.

14 THE COURT: And maybe you mentioned this, but when you  
15 did this, did you do so with at least one other person? Did  
16 you have an agreement to and did you sell firearms in New York  
17 without a license to do so with another person?

18 THE DEFENDANT: Yes.

19 THE COURT: And can you tell me, did any of this take  
20 place in either Manhattan or the Bronx?

21 THE DEFENDANT: It was mostly in Manhattan.

22 THE COURT: All right.

23 Mr. Marcus Amelkin, are you aware of any valid defense  
24 that would prevail at a trial or of any reason that Mr. Rogers  
25 should not be permitted to plead guilty to Counts One and Two?

N6tWrogP

1 MR. MARCUS AMELKIN: No, your Honor.

2 THE COURT: Mr. King, are there any additional  
3 questions you'd like me to ask Mr. Rogers?

4 MR. KING: Your Honor, just for the record, but I  
5 think your Honor asked Mr. Rogers if the conduct continued into  
6 2021. Just the date charged in the indictment is into 2022, so  
7 if your Honor could confirm that the conduct continued from  
8 2018 into 2022.

9 THE COURT: All right. I don't think it matters in  
10 the sense that it's all within the statute of limitations.  
11 That's all I wanted to confirm.

12 MR. KING: That's fine. I just wanted to be clear  
13 that the conduct continued until 2022.

14 THE COURT: Understood.

15 Could you please proffer briefly what the government's  
16 evidence would be and what it would show if Mr. Rogers were to  
17 go to trial.

18 MR. KING: Yes, your Honor.

19 The government's evidence at trial would consist of,  
20 among other things, data from Mr. Rogers's iCloud and cell  
21 phone, including photos and videos of Mr. Rogers possessing  
22 guns that were purchased as part of this trafficking scheme,  
23 showing him traveling to New York City and possessing large  
24 amounts of cash; and text messages -- again, from his iPhone  
25 and cell phone -- and conversations between the defendant and

N6tWrogP

1 coconspirators and also gun purchasers regarding the illegal  
2 purchase and sale of firearms, including text messages showing  
3 the defendant knew the guns were going to be used for violence.

4 There's cell-site data showing the defendant's  
5 repeated travel to New York City that coincided with the  
6 purchase of firearms in Georgia by his codefendant, Ms. Rogers.

7 There's video surveillance of his codefendant  
8 purchasing those firearms from federally licensed firearms  
9 dealers in Georgia.

10 There's ATF paperwork and transaction receipts from  
11 the purchase of those firearms.

12 There's physical evidence seized during this  
13 investigation, including firearms that were trafficked as part  
14 of the scheme that were recovered at crime scenes in New York  
15 City.

16 And then there also would be testimony from an ATF  
17 agent regarding the defendant's lack of a license to sell  
18 firearms.

19 THE COURT: Thank you.

20 Do both counsel agree that there's a sufficient  
21 factual basis for a guilty plea to Count One and Count Two?

22 MR. MARCUS AMELKIN: Yes, your Honor.

23 MR. KING: Yes, your Honor.

24 THE COURT: And does either counsel know of any reason  
25 that I should not accept Mr. Rogers's plea of guilty to each

N6tWrogP

1 count?

2 MR. KING: No, your Honor.

3 MR. MARCUS AMELKIN: No, your Honor.

4 THE COURT: All right.

5 Mr. Rogers, because you acknowledge that you are, in  
6 fact, guilty as charged in the indictment; because I am  
7 satisfied that you know of your rights, including your right to  
8 go to trial, and you understand the potential consequences of  
9 your guilty plea; and because I find that you are knowingly and  
10 voluntarily pleading guilty, I accept your guilty plea and  
11 enter a judgment of guilty on Counts One and Two of the  
12 indictment.

13 The probation department will want to interview you in  
14 connection with the presentence report it will prepare. If you  
15 choose to speak to the probation department, it is critical  
16 that anything you say is truthful and accurate. Among other  
17 things, that report is very important to me in deciding what  
18 sentence to impose upon you.

19 Before sentencing, you and Mr. Marcus Amelkin will  
20 have time to review the report. I would urge you to review it  
21 with care. If you find any mistakes in the report or anything  
22 that you wish to bring to my attention in connection with  
23 sentencing, you should share that with Mr. Marcus Amelkin so  
24 that he can share it with me.

25 Do you understand all that?

N6tWrogP

1 THE DEFENDANT: Yes.

2 THE COURT: All right.

3 Mr. Marcus Amelkin, do you wish to be present in  
4 connection with any interview?

5 MR. MARCUS AMELKIN: I do.

6 THE COURT: I'll order that no interview take place  
7 unless counsel is present.

8 Sentencing will be set for October 12 at 10 a.m. --  
9 again, October 12 of this year at 10 a.m.

10 I direct the government to provide the probation  
11 department with its factual statement of the offense within  
12 seven days.

13 Defense counsel must arrange for Mr. Rogers to be  
14 interviewed by the probation department in the next two weeks.

15 In accordance with my individual rules and practices  
16 for criminal cases, defense submissions are due two weeks prior  
17 to sentencing. The government's submission is due one week  
18 prior to sentencing. In the unlikely event that you don't have  
19 a substantive sentencing submission, please file a letter to  
20 that effect so that we don't think we are missing anything.

21 Mr. King, what's the government's position with  
22 respect to bail between now and sentencing?

23 MR. KING: Your Honor, the government has no objection  
24 to Mr. Rogers continuing to be out on bail.

25 THE COURT: All right.



N6tWrogP

1           Mr. Rogers, the conditions upon which you've been  
2 released until today will continue to apply through the date of  
3 the sentencing. Let me stress two things to you:

4           First of all, it is critical that you comply with all  
5 of those conditions. If you fail to do so, No. 1, it could  
6 affect your release status between now and the time of  
7 sentencing; No. 2, it may well affect what sentence you will  
8 receive, so you should understand that.

9           Do you understand that?

10          THE DEFENDANT: Yes.

11          THE COURT: Second, you must be here on the date and  
12 time that I set for sentencing, October 12 at 10 a.m. You  
13 should stay in touch with Mr. Marcus Amelkin to ensure that you  
14 know if that changes, but unless you are told to do otherwise,  
15 you must be here on that date and time. If you're not, you may  
16 be subject to prosecution and punishment for a separate  
17 crime -- failure to appear -- and subject to punishment above  
18 whatever punishment you receive in connection with your plea  
19 today.

20          Do you understand that?

21          THE DEFENDANT: Yes.

22          THE COURT: All right.

23          Anything further from the government?

24          MR. KING: No, your Honor. Thank you.

25          THE COURT: Anything further from you, Mr. Marcus

N6tWrogP

Amelkin?

MR. MARCUS AMELKIN: No. Enjoy the holiday weekend,  
your Honor. Thank you.

THE COURT: All right. Happy holiday weekend to  
everyone.

We are adjourned. Thank you very much.

(Adjourned)